

Federal Defenders  
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David E. Patton  
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Via E-mail and ECF

The Honorable Vincent L.  
District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

APPLICATION GRANTED

For the reasons set forth herein, the Court will make the necessary CARES Act findings to permit the guilty plea to be conducted remotely, either by video conference or telephone conference. However, the plea hearing currently set for 12/3/2020 will have to be re-scheduled. The Court will advise counsel as soon as the remote plea is re-scheduled, probably for the week of 12/14/2020 and earlier if possible. Time is excluded under the Speedy Trial Act in the interest of justice through 12/18/2020.

SO ORDERED:



Vincent L. Briccetti, U.S.D.J.

11/30/2020

Re: United States v. Noel Edwards  
20 Cr. 618 (VLB)

Dear Honorable Briccetti:

I am writing in response to Your Honor's November 24, 2020 order regarding scheduling in the above referenced case. I have spoken with Noel Edwards and, in light of the pandemic, he consents to rescheduling the plea hearing that is currently scheduled for December 3, 2020 at 9:00am.

In terms of scheduling, Mr. Edwards still intends to plead guilty. If allowed by Your Honor, Mr. Edwards would like to plead guilty by videoconference or teleconference pursuant to Section 15002(b)(2)(A) of the Cares Act. A remote plea is appropriate because, as documented in Exhibit A,<sup>1</sup> Mr. Edwards suffers from asthma which, according to the CDC, puts him at a higher risk for complications from COVID-19.<sup>2</sup> While Mr. Edwards has already been infected with COVID-19, the

<sup>1</sup> According to Mr. Edwards' admission paperwork from the Westchester County Jail, Mr. Edwards was identified as suffering from Asthma and prescribed an aerosol inhaler when he was admitted to the jail in February, 2020.

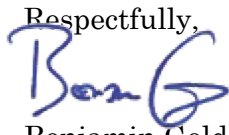
<sup>2</sup> The CDC identifies asthma as a condition that may create an "increased risk for severe illness from the virus that causes COVID-19."

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (last viewed November 30, 2020).

CDC does report that reinfection, while rare, is possible.<sup>3</sup> Accordingly, in order to prevent any potential reinfection to himself, Mr. Edwards respectfully requests that the Court allow him to plead guilty remotely. Additionally, in light of the recent spike in COVID-19 cases, a remote plea is appropriate because it would minimize the risk of exposure to court staff and the Marshalls.

To be sure, the Cares Act only permits a remote plea if further delay would cause serious harm to the interests of justice. Mr. Edwards has informed me that this case is causing him tremendous anxiety and that he therefore wants to resolve this matter as soon as possible. Under these circumstances, I ask that the Court allow Mr. Edwards to plea remotely.<sup>4</sup> Alternatively, if the Court determines that a plea pursuant to the Cares Act is not appropriate, Mr. Edwards ask that Your Honor consider allowing him to plead guilty in person when it is safe to do so, hopefully in January.<sup>5</sup>

Thank you for your consideration.

Respectfully,  
  
Benjamin Gold  
Assistant Federal Defender

cc: AUSA Kevin Sullivan

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<sup>3</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html> (Last viewed November 30, 2020).

<sup>4</sup> I have communicated with AUSA Kevin Sullivan, and he informed me that the Government does not consent to a remote plea in this case.

<sup>5</sup> Both AUSA Sullivan and I are available the week of January 19, 2021 and on January 26, 2021 and January 27, 2021.

Exhibit A

Portion of Mr. Edwards' Medical Records

